

REMARKS

After entry of the above amendments, the claims pending in the subject application are 22, 33-42, 44-45, and 47-59. Reconsideration of this application based on the Amendments and Remarks presented herein is respectfully requested.

The addition of claims 58 and 59 does not exceed the total number of claims previously paid for. In the event that Applicants have overlooked the need for a claim fee, the Director - U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account 23-3425 the claim fees necessary for entry of this amendment.

The shortened statutory period for response expired on October 31, 2003. Accordingly, a Petition for a One-Month Extension of Time is attached hereto. The Director - U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account 23-3425 the necessary extension fees identified in the attached Petition and any other fees necessary for entry of this amendment.

35 U.S.C. §102 REJECTIONS

Claims 22, 33-35, 41, 46-49, 51, and 53 were rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 3,639,279 to Gardner et al.

Independent claims 22 and 33 have been amended to delete diglycolic acid. The chelating agent now cannot be diglycolic acid alone. Gardner '279 does not disclose or suggest the remaining selections for the chelating agent. Therefore, it is respectfully submitted that claims 22, 33-35, 41, 46-49, 51, and 53 are not anticipated by United States Patent No. 3,639,279 to Gardner et al.

As for new claims 58 and 59, Gardner '279 does not disclose or suggest a method of applying its composition to silica scale to remove silica scale.

Claim 44 was rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,762,821 to Tate.

Claim 44 has been amended to include the two provisos that were added to claims 22 and 33 in the previous Response. Also, claim 44 is similar to the amended claims 22 and 33 from above in that chelating agent is not selected to be diglycolic acid only. Therefore, it is respectfully submitted that claim 44 is not anticipated by United States Patent No. 5,762,821 to Tate.

35 U.S.C. §103 REJECTIONS

Claims 36-37, 40, 50, 52, and 54-56 were rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 3,639,279 to Gardner et al.

Claims 38-39 were rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 3,639,279 to Gardner et al. in view of United States Patent No. 3,033,214 to Bersworth et al.

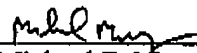
Claim 42 was rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 3,639,279 to Gardner et al. in view of United States Patent No. RE30,796 to Lesinski.

Claims 45 and 57 were rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 3,639,279 to Gardner et al. in view of United States Patent No. 3,696,040 to Mayo et al.

Claims 36-37, 38-39, 40, 42, 45, 50, 52, 54-56, and 57 all depend from independent claim 33. From above, claim 33 is patentable over the cited art. Dependent claims contain all of the elements from the claim from which they depend. Because claim 33 is patentable, it is respectfully submitted that dependent claims 36-37, 38-39, 40, 42, 45, 50, 52, 54-56, and 57 are also patentable over the cited references.

In view of the amendments and remarks contained above, Applicants respectfully request reconsideration of the application, withdrawal of the 35 USC §102 and §103 rejections, and request that a Formal Notice of Allowance be issued for claims 22, 33-42, 44-45, and 47-59. Should the Examiner have any questions about the above remarks, the undersigned attorney would welcome a telephone call.

Respectfully submitted,


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